080, 707, PC



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of:

Joullie et al.

Patent No.: 7,064,105 B2

Issued: June 20, 2006

For: Deoxo-Proline-Containing
Tamandarin and Didemnin
Analogs, Dehydro-Proline-

Containing Tamandarin and Didemnin Analogs, and Methods of

Making and Using Them

Confirmation No.: 5576

Art Unit: 1653

Examiner: Abdel A. Mohamed

Atty. Docket: 1694.0640001

Request for Reconsideration of Patent Term Adjustment Determination Under 37 C.F.R. § 1.705(d)

Attn: Mail Stop Patent Ext.

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.705(d) and § 1.705(b)(1) and (b)(2), Patentees hereby provide a concise statement of facts involved, as well as payment of fee set forth in 37 C.F.R. § 1.18(e). Patentees are filing this Request under 37 C.F.R. § 705(d) to correct the revised patent term adjustment in the captioned patent because the revised patent term adjustment should have indicated that Patentees are entitled to additional patent term.

#### Statement of the Facts:

Patentees hereby request that the Patent Term Adjustment (PTA) for the captioned patent be corrected to allow an addition of 77 days to the current PTA of 621 days, for a total PTA of 698 days. In accordance with 37 C.F.R. § 1.705(b)(2)(i), Patentee states that the correct PTA is 698 days.

98/22/2086 CNGUYEN1 88888854 7864185 91 FC:1455 289.88 OP U.S. Appl. No. 09/767,080, which issued into the captioned patent, U.S. Patent No. 7,064,105 B2 ("the '105 patent"), was filed on January 22, 2001. On June 20, 2006, the U.S. Patent and Trademark Office (PTO) issued the '105 patent indicating that the term of the '105 patent is extended under 35 U.S.C. § 154(b) by 621 days. According to PTO's Patent Application Information Retrieval (PAIR) system, the PTA of 621 days is calculated as follows: the PTO delay of 880 days reduced by Applicant Delay of 259 days. A copy of the printout from the PAIR system is attached as Exhibit A.

The PTA is incorrect because the Applicant Delay period of 120 days, shown on Exhibit A from June 8, 2005, to February 6, 2006, should not be considered applicant delay. It is Applicant's understanding that the 120-day delay period was indicated as such due to a paper filed by Applicant on February 6, 2006. However, as explained below, the filing of the paper on February 6, 2006, should not have resulted in reduction of PTA because the filing of the paper was not a grounds for reduction of PTA under § 1.704. Specifically, the paper filed on February 6, 2006, was a paper filed in response to an express request by the PTO. See 37 C.F.R. § 1.704(c)(8) ("Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner....").

Additionally, the PTA as calculated by the PTO fails to include a time period which should be deducted from the total PTA. Specifically, and as explained below, the PTA as calculated does not include the filing of a supplemental Information Disclosure Statement after the Notice of Allowance. See 37 C.F.R. § 1.704(c)(10).

The relevant time actions and dates are as follows. On March 9, 2005, a non-final Office Action was mailed. On June 8, 2005, Applicants replied to the Office Action and filed concurrently a supplemental Information Disclosure Statement ("IDS"). On July 5, 2005, the PTO mailed the Notice of Allowance and Fee(s) Due. On August 4, 2005, Applicants filed an additional supplemental IDS under 37 C.F.R. § 1.97(d) and (e)(1). On September 13, 2005, the PTO mailed an Office communication which was responsive to the supplemental IDS filed August 4, 2005. On October 5, 2005, Applicants paid the issue fee. On January 1, 2006, the PTO mailed an Office communication requesting a copy of the declaration signed by the inventors. On February 6, 2006, Applicants filed the requested documents within the one-month reply period. On June 5, 2006, Applicants' undersigned representative received the Issue Notification, which indicated that the PTA would be 621 days. On June 20, 2006, the '105 patent issued.

It appears that the PTO has deducted 120 days from the PTA for the paper filed on February 6, 2006 ("the February 6 paper"). A copy of this filing is attached Exhibit B. The February 6 filing was filed in response to a specific request from the PTO. On January 1, 2006, the PTO requested another copy of declaration executed by the inventors. A copy of this Communication is attached as Exhibit C. Therefore, the February 6 paper was a paper expressly requested by the examiner and therefore should not detract from any patent term adjustment of the '105 patent. *See* 37 C.F.R. § 1.704(c)(8).

Furthermore, the filing of the February 6 paper was necessitated only by the PTO's request. As explained in the February 6 paper, each of the documents included in

that filing were copies of papers previously filed by the applicant. (See Exhibit B.) Accordingly, any alleged delay attributed to the filing of the February 6 paper should not be detracted from the PTA for the '105 patent.

Patentee also notes that the PTO's calculation failed to include a time period which should be deducted from total PTA. In particular, on August 4, 2005, Applicants filed a supplemental IDS after the Notice of Allowance was mailed. In response to the supplemental IDS, the PTO issued a communication on September 15, 2005. Accordingly, this period of 42 days should be deducted from the PTA for the '105 patent. See 37 C.F.R. § 1.704(c)(10).

In accordance with 37 C.F.R. § 1.705(b)(2)(ii), the relevant dates specified in §§ 1.703(a)-(e) for which an adjustment is sought and the adjustment specified in § 1.703(f) to which the patent is entitled is shown in the following table.

PTO Delay	Relevant Rule	Dates	Days
Delay of first action	§ 1.703(a)(1)	Jan. 22, 2001 to Aug. 25, 2003	521
Delay of action after response	§ 1.703(a)(2)	Jan. 30, 2005 to Mar. 7, 2005	38
Delay of issuance of patent	§ 1.703(a)(6)	Feb. 5, 2006, to June 20, 2006	135
Three year examination delay	§ 1.703(b)	Jan. 22, 2004, to June 20, 2006	186 (less any overlap pursuant to § 1.703(f))
Interference delay	§ 1.703(c)	N/A	0
Secrecy delay	§ 1.703(d)	N/A	0
BPAI Delay	§ 1.703(e)	N/A	0
		<u>Total</u>	880

In accordance with 37 C.F.R. § 1.705(b)(2)(iv), the following table provides relevant time periods under § 1.704.

Description	Relevant Time Period for PTA Deduction	Number of Days
Extension of time to reply to Restriction Requirement dated Aug. 25, 2003.	Nov. 25, 2003, to Feb. 17, 2004. See 37 C.F.R. § 1.704(b).	84 days
Extension of time to reply to Office Action dated	Aug. 3, 2004 to Sept. 30, 2004. See 37 C.F.R. § 1.704(b).	55 days
Submission of supplemental IDS after Notice of Allowance	August 4, 2005, to September 15, 2005. See 37 C.F.R. § 1.704(c)(10)).	42 days
	<u>Total</u>	182

In accordance with 37 C.F.R. § 1.705(b)(2)(iii), Patentee states that the '105 patent is not subject to a terminal disclaimer. Patentee further states that none of the issues raised herein were raised or could have been raised in an application for patent term adjustment under 37 C.F.R. § 1.705(b).

#### The Precise Relief Requested:

It is respectfully requested that the PTO change the PTA in this case to 698 days. As detailed above, this number has been calculated based on delay by the PTO of 880 days from which 182 days have been subtracted for Applicant Delay.

As this Letter was filed in good faith pursuant to Applicants' duty of candor with the PTO, Patentees should not be charged a fee for this petition to correct further PTA errors stemming from this original letter. However, should the requested waiver of the fee be denied, in accordance with 37 C.F.R. § 1.705(b)(1), the fee set forth in 37 C.F.R. § 1.18(e) is provided in our accompanying Credit Card Payment Form PTO-2038. It is

not believed that additional fees are required beyond those that may otherwise be provided in documents accompanying this paper. However, if additional fees are required, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

If it is believed, for any reason, that personal communication will expedite consideration of this Request, please do not hesitate to telephone the undersigned at the number provided. Prompt and favorable consideration of this Request is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Matthew J. Dowd
Agent for Patentees

Registration No. 47,534

Date: August 21, 2006

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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August 21, 2006

Tracy L. Muller Jon E. Wright LuAnne M. DeSantis Ann E. Summerfield Helene C. Carlson Timothy A. Doyle Gaby L. Longsworth Lori A. Gordon Laura A. Vogel Bryan S. Wade Bashir M.S. Ali Shannon A. Carroll Matthew E. Kelley Anbar F. Khal Marsha A. Rose Young Tang

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Art Unit 1653

Attn: Mail Stop Patent Ext.

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent

Patent No. 7,064,105 B2; Issued: June 20, 2006

Deoxo-Proline-Containing Tamandarin and Didemnin Analogs, Dehydro-Proline-Containing Tamandarin and Didemnin Analogs, and Methods of Making and Using Them

Inventors:

Joullie et al.

Our Ref:

1694.0640001

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Credit Card Payment Form (PTO-2038) in the amount of \$200.00 to cover the Patent Term Adjustment Fee (37 C.F.R. § 1.18(e));
- 2. Request for Reconsideration of Patent Term Adjustment Determination Under 37 C.F.R. § 1.705, including Exhibits A, B, and C (27 pp. total); and
- 3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC. : 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skqf.com

Commissioner for Patents August 21, 2006 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Matthew J. Dowd Agent for Patentees Registration No. 47,534

MJD/amz Enclosures

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Sterne, Kessler, Goldstein & Fox PLLC. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgf.com

880



Patent T	erm	Adjustn	nents

Patent Term Adjustment (PTA) for Application ber: 09/767,080

Filing or 371(c) Date: 01-22-2001 USPTO Delay (PTO) Delay (days):

Issue Date of Patent: 06-20-2006 Three Years:

Pre-Issue Petitions (days): +0 Applicant Delay (APPL) Delay (days): 259
Post-Issue Petitions (days): +0 Total PTA (days): 621

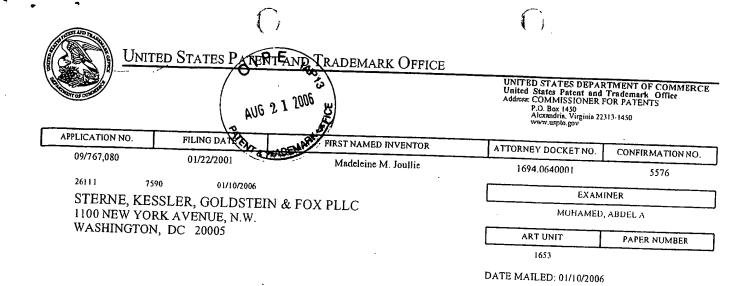
USPTO Adjustment(days): +0 Explanation Of Calculations

Patent Term A	djustment History
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Date	Adjustment History  Contents Description	PTO(Days)	APPL(Days)
05-31-2006	PTA 36 Months	186	
06-20-2006	Patent Issue Date Used in PTA Calculation	135	•
05-15-2006	Dispatch to FDC	•	
05-15-2006	Dispatch to FDC	<b>쇼</b>	
02-06-2006	Supplemental Papers - Oath or Declaration		120
01-10-2006	Mail Miscellaneous Communication to Applicant		<b>û</b>
01-10-2006	Miscellaneous Communication to Applicant - No Action Count		Û
11-18-2005	Application Is Considered Ready for Issue		Û
10-05-2005	Issue Fee Payment Verified		û
10-05-2005	Issue Fee Payment Received		<b>û</b>
09-13-2005	Mail Examiner's Amendment		<b>û</b>
09-07-2005	Examiner's Amendment Communication		仓
07-05-2005	Mail Notice of Allowance		4
06-27-2005	Notice of Allowance Data Verification Completed		4
06-08-2005	Information Disclosure Statement (IDS) Filed		<b>☆</b>
06-14-2005	Date Forwarded to Examiner		4
06-08-2005	Response after Non-Final Action		Û
03-09-2005	Mail Non-Final Rejection	38	
03-07-2005	Non-Final Rejection	· •	•
03-07-2005	Examiner Interview Summary Record (PTOL - 413)	<b>û</b>	
09-30-2004 <sup>-</sup>	Reference capture on IDS	•	
09-30-2004	Information Disclosure Statement (IDS) Filed	•	
12-21-2004	Date Forwarded to Examiner	•	
09-30-2004	Response after Non-Final Action		55
09-30-2004	Request for Extension of Time - Granted		•
09-30-2004	Workflow incoming amendment IFW		•
05-06-2004	Mail Non-Final Rejection		•
05-03-2004	Non-Final Rejection		
02-26-2004	IFW Amended case processing Complete		
02-26-2004	Correspondence Address Change		
02-27-2004	Change in Power of Attorney (May Include Associate POA)		
02-26-2004	Date Forwarded to Examiner		

02-17-2004	Response to Election / Restriction Filed		84
02-17-2004	Request for Extension of Time - Granted		· <b>1</b>
08-25-2003	Mail Restriction Requirement	521	
08-25-2003	Requirement for Restriction / Election	<b>↑</b>	
07-17-2001	Information Disclosure Statement (IDS) Filed	<b>^</b>	
06-28-2001	Information Disclosure Statement (IDS) Filed	. 🏠	
08-07-2001	Case Docketed to Examiner in GAU	<b>↑</b>	
07-30-2001	Application Dispatched from OIPE	<b>^</b>	
04-27-2001	Application Is Now Complete	<b>1</b>	
04-27-2001	Notice MailedApplication IncompleteFiling Date Assigned	<b>û</b>	
04-26-2001	Correspondence Address Change	<b>û</b>	
02-13-2001	IFW Scan & PACR Auto Security Review	<b>û</b>	•
01-22-2001	Initial Exam Team nn	<b>①</b>	

Close Window



Please find below and/or attached an Office communication concerning this application or proceeding.

Sterne, Kessler, Goldstein & Fox,
PLL.C. Mar

TMC MC ///7

MJD MM7 (| n/o b

Declaration

die

February 9, 2006 Th



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Serial Number 09767080

Date Mailed 1/10/06

# NOTICE TO FILE CORRECTED APPLICATION PAPERS

## Notice of Allowance Mailed

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 30 days from the mail date of this Notice within which to correct the informalities indicated below. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136 (a) or (b).

- ◆ Inventor's signatures are missing from the oath/declaration/ADS. No petition under Rule 1.47 filed. (JOULLIE, MADELEINE M.; LIANG, BO; DING, XIAOBIN) Fax missing information to number below or e-mail.
  - o For status updates visit <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have questions on access to the Private PAIR System, contact the Electronic Business Center (EBC) toll free at 866-217-9197.

APPLICANT MUST SUPPLY MISSING INFORMATION WITHIN 30 DAYS OF THE MAIL DATE OF THIS NOTICE.

A copy of this notice <u>MUST</u> be returned with the reply. Please address response to Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Rori Burch

USPTO

Publishing Division

Rori.burch@uspto.gov

Fax (571) 273-9009

Fax (703) 308-6642

703-305-0333 ext.135 (V)

DOCKETED

-001

Declaration due February 9, 2006

Attorney Docket No. 209596.0383/303U1 (M-2163)

# DECLARATION AND POWER OF ATTORNEY (Related Application)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Deoxo-Proline-Containing Tamandarin and Didemnin Analogs,
Dehydro-Proline-Containing Tamandarin and Didemnin Analogs,
and Methods of Making and Using Them

the specification of which is attached hereto and/or was filed on <u>January 22, 2001</u> as Application No. 09/767,080

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### **FOREIGN PRIORITY APPLICATION(S)**

			Priority Claimed Yes [] No
(Number)	(Country)	(Day/month/year filed)	
			Priority Claimed   Yes   No
(Number)	(Country)	(Day/month/year field)	

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional patent application(s) listed below and have also identified below any United States provisional patent application(s) having a filing date before that of the application on which priority is claimed.

#### PROVISIONAL PRIORITY PATENT APPLICATION

		<b>Priority Claimed</b>
(Application No.)	(Filing Date)	[ ] Yes [ ] No

I hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or in the prior U.S. provisional application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

09/545,848April 7, 2000		Pending		
(Application Serial No.) (Filing Date)		(Status)(patented, pending, abandoned)		
(Application Serial No.)	(Filing Date)	(Status)-(patented, pending, abandoned)		

And I hereby appoint the registered attorneys and agents associated with AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P., Customer No. 000570, as my attorneys or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to Customer No. 000570, namely, AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P., One Commerce Square, 2005 Market Street, Suite 2200, Philadelphia, Pennsylvania 19103. Please direct all communications and telephone calls to Alan S. Nadel at (215) 965-1280.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole inventor, if any	Madeleine M. Joullié	
Inventor's Signature	Madelerso H. Toullie	
Date $\frac{2/2}{01}$	Hadelesso H. Joullio	
Residence Philade		
Citizenship <u>U.S.A.</u>	•	
Post Office Address	288 St. James Place; Philadelphia, PA 19106	

Full name of second jo	ent en
inventor, if any	Bo Liang
Inventor's Signature	Magazin
Date	02/02/01
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Citizenship Peoples	Republic of China
Post Office Address	100 E. Glenolden Ave. Apt. K11; Glenolden, PA 19036
Full name of third joint inventor, if any	
Inventor's Signature _	Washi Dry
Date Ja	30,2001
Residence	
Citizenship	The Peoples' Republic of China
Post Office Address _	191 Pleasant View Drive; Piscataway, New Jersey 08854

ANTHONY F. LEONETTI
Notary Public, New Jersey
My Commission Expires November 29, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C., 20231, on the date indicated below.

BY: Debbie Gtolt

DATE: 19 June 2001

**PATENT** 

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:

Patent Application of

Madeleine M. Joulliè

: Attention:

Appln. No.:

09/767,080

**Box Missing Parts** 

Filed:

January 22, 2001

Group Art Unit:

For:

AXINDEOXO-PROLINE-CONTAINING

TAMANDARIN AND DIDEMNIN

: Attorney Docket : No. **9596-303U1** 

ANALOGS, DEHYDRO-PROLINE-

CONTAINING TAMANDARIN AND : DIDEMNIN ANALOGS, AND METHODS :

OF MAKING AND USING THEM

(M2163)

# TRANSMITTAL OF MISSING PARTS OF APPLICATION FILING DATE GRANTED

In response to the Notice to File Missing Parts dated April 27, 2001, we submit herewith the following:

- [X] Copy of the Notice to File Missing Parts of Application -- Filing Date Granted, mailed April 27, 2001.
- [ ] No Notice to File Missing Parts has been received.
- [X] Executed Declaration and Power of Attorney.
- [ ] Nucleotide and/or Amino Acid Sequence Submission, including:
  - [ ] Computer readable copy [ ] Paper Copy [ ] Verified Statement
- [X] Applicant(s), by its/their undersigned attorney, claim(s) Small Entity Status under 37 C.F.R. §1.27 as [] an Independent Inventor, or [] a Small Business Concern, or [X] a Non-Profit Organization.
- [ ] Other: &@

			SMALL EN	TITY		LARGE ENT	ITY
CLAIMS	NO. FILED	NO. EXTRA	BASIC FEE: \$355.			BASIC FEE: \$710	<del></del>
Total	-20 =		Х9	\$	(OI&)	X18	\$
Independent	- 3=		X40	\$	0R	X80	\$
( ) muniple D	ependent Claims	S Present	\$135	\$	OR	\$270	\$

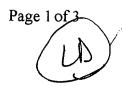
			ТОТА	L S	OR	TOTAL	\$		
[X]	The f	Collowing fees noted	below are being	paid.					
	[X]			=	ee and/or Declaration a	and Power o	f		
	[]	Surcharge of \$130 for late filing of English translation.							
	[].	Extension of Time fee in the amount of \$00 (Petition for Extension of Time is attached).							
	[]	Filing Fee in the amount of \$00 calculated above.							
[X]	Enclo				00 for the above fee(s)	).			
[X]	The C	Commissioner is here (Billing No. 209596.	by authorized to	charge a	nd/or credit Deposit A duplicate copy of this	ccount No	50-		
	[]	The above-calculated fee(s) calculated totaling \$00.							
	[X]	Any overpayments or deficiencies in the above-calculated fee(s).							
	<b>[X]</b>	Any additional fees required under 37 C.F.R. § 1.16 or § 1.17.							
	[X]	In the event that a Petition for Extension of Time is required during the prosecution of this application, but not submitted, please charge any extension fee under 37 C.F.R. § 1.136(a) to our Deposit Account noted above.							
			CORRESPO	NDENC	CE ADDRESS				
9	lune	2001 By	. Mall	Ma					
	(E	Pate)	GARY D. CO Registration N	No. 40,96 P, STRA ce Squar Street - S PA 1916	51 AUSS, HAUER & FE e uite 2200	LD, L.L.P.			
ביסט			E-Mail:		gcolby@akingump.com	n			

GDC/dae Enclosures

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ATTY DKT # 95 96 - 30301 TODAY'S MAILING DATE & June 2001
EXPRESS MAIL #
PATAPPPATENT/REEXAM/INTF# 09/ 767,080
OF Madeleine M. Joullie
FOR: Winderson Pholine Containing Toprovoseen,
RECEIPT IS ACKNOWLEDGED BY THE USPTO FOR THE FOLLOWING:
PAT AP(PROV/NON_PROV/DES/REISSUE)CPA REQUEST
DECL & POWEXECUTED/JUNEXECUTED/ AMEND/REQ RECONS/ RESTR.REQ. RESPONSE
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NOTAL FEES AUTH CHANGE DEPACET: # 30-10175 CR. for \$465.00
OTHER (PAPER TITLE)



# United States Patent and Trademark Office

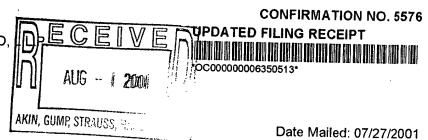


COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE

Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	000					www.uspto.gov
THE EIGHTION NOWBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/767,080	01/22/2001	1643	815	9596-303U1 (M2163)	6	55	5

000570 AKIN, GUMP, STRAUSS, HAUER & FELD, ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103



Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

#### Applicant(s)

Madeleine M. Joullie, Philadelphia, PA; Bo Liang, Glenolden, PA; Xiaobin Ding, Piscataway, NJ;

#### Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/545,848 04/07/2000

Foreign Applications

If Required, Foreign Filing License Granted 04/26/2001

Projected Publication Date: 11/01/2001

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

DOCKETED

AUG - 1 2001

ON PATTSY

Title

Deoxo-proline-containing tamandarin and didemnin analogs, dehydro-proline-containing tamandarin and didemnin analogs, and methods of making and using them

**Preliminary Class** 

530

Data entry by : HAPPY, MILAGROS

Team : OIPE

Date: 07/27/2001

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- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
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- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	· monvey	CONFIRMATION NO.		
09/767,080		A DECEMBER 114 VENTOR	ATTORNEY DOCKET NO.			
09/767,080	01/22/2001	Madeleine M. Joullie	1694.0640001	5576		
·	590 01/10/2006		EXAMINER			
1100 NEW YO	SSLER, GOLDSTEIN RK AVENUE, N.W.	MOHAMED, ABDEL A				
WASHINGTO:	N, DC 20005		ART UNIT	PAPER NUMBER		
			1653	·		

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Sterne, Kessler, Goldstein & Fox,
P.L.C. Ma

Declaration

due Februry 9, 2006 Fib



#### UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

> Serial Number 09767080

Date Mailed 1/10/06

# NOTICE TO FILE CORRECTED APPLICATION PAPERS

#### Notice of Allowance Mailed

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 30 days from the mail date of this Notice within which to correct the informalities indicated below. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136 (a) or (b).

- Inventor's signatures are missing from the oath/declaration/ADS. No petition under Rule 1.47 filed. (JOULLIE, MADELEINE M.; LIANG, BO; DING, XIAOBIN) Fax missing information to number below or e-mail.
  - o For status updates visit <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have questions on access to the Private PAIR System, contact the Electronic Business Center (EBC) toll free at 866-217-9197.

APPLICANT MUST SUPPLY MISSING INFORMATION WITHIN 30 DAYS OF THE MAIL DATE OF THIS NOTICE.

A copy of this notice <u>MUST</u> be returned with the reply. Please address response to Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Rori Burch USPTO

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Fax (703) 308-6642 703-305-0333 ext. 135 (V)

Declaration due February 9, 2006

DOCKETED



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February 6, 2006

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Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Patent Application

Appl. No. 09/767,080; Filed: January 22, 2001

Deoxo-Proline-Containing Tamandarin and Didemnin Analogs, Dehydro-Proline-Containing Tamandarin and Didemnin Analogs, and Methods of Making and Using Them

Inventors:

Joullie et al.

Our Ref:

1694.0640001

Sir:

In reply to the "Notice to File Corrected Application Papers-Notice of Allowance Mailed," dated January 10, 2006, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

- 1. Copy of the Notice to File Corrected Application Papers (2 pp.);
- 2. A copy of the executed Declaration as filed on June 19, 2001 (4 pp.);
- A copy of the Reply to the Notice To File Missing Parts, including the 3. PTO-stamped postcard, filed on June 19, 2001 (2 pp.);
- A copy of the Updated Filing Receipt, mailed July 27, 2001, indicating 4. that the application was complete (3 pp.); and
- 5. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent Commissioner for Patents February 6, 2006 Page 2

abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Matthew J. Dowd Agent for Applicants Registration No. 47,534

MJD/rjv Enclosures

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